

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Thomas W. DUBENSKY, Jr. et al.

Application No.: 10/773,792

Confirmation No.: 8458

Filed: December 23, 2004

Art Unit: 1645

For: LISTERIA ATTENUATED FOR ENTRY INTO
NON-PHAGOCYTIC CELLS, VACCINES
COMPRISING THE LISTERIA, AND
METHODS OF USE THEREOF

Examiner: J. Graser

RESPONSE TO OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the non-final Office Action mailed October 10, 2008 (Paper No. 20081008, hereinafter “the Office Action”), please consider the following amendments and remarks. **Amendments to the Claims** begins on page 2 of this paper; **Remarks** begin on page 4 of this paper.

Petition for Extension of Time:

Applicant hereby petitions for an extension of time to extend the period for reply to February 10, 2008. The requisite fee accompanies this petition and response.

CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8			
I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below.			
Name of Person Mailing (Print/Type)	Kristen Lemme		
Signature	/Kristen Lemme/	Date	05 February 2009